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APPLICATION NO.	T i	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/052,611	0/052,611 01/18/2002		Allen R. Padwa	Mo6932/MD00-37-KU	3025	
157	7590	04/30/2004		EXAMINER		
BAYER P	OLYME	RS LLC	YOON, TAE H			
100 BAYEI PITTSBUR		15205	ART UNIT	PAPER NUMBER		
FILISDUK	OII, FA	13203		1714		

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Comment   C		Application No.	Applicant(s)							
Tae H Yoon  The MALLING DATE of this communication appears on the coror sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM  THE MALLING DATE OF THIS COMMUNICATION.  The malling Month of the maining date of this communication.  If the period for reply specified above is less than thirty (0) days, a reply whitin the address mixing thirty (0) days the late of the communication.  If the period for reply specified above is less than thirty (0) days, a reply whitin the address mixing thirty (0) days and the state of the communication of the period for reply specified above is less than thirty (0) days, a reply whitin the address mixing thirty (0) days and the state of the communication of the period for reply specified above is less than the property of the state of the communication.  If the period for reply specified above is less than thirty (0) days, a reply whitin the address mixing that (1) the communication of the period for reply specified and the communication.  If the period for reply specified above is less than thirty (0) days, a reply whitin the address mixing that (1) the property of the state of the communication.  If the period for reply specified above is less than thirty (0) days, a reply whitin the address mixing that (1) the period for the state of the communication.  If the period for reply specified above the second transplant of the state of the communication.  Property of the state of the second transplant of the second tra			PADWA, ALLEN	PADWA, ALLEN R.						
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1) Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any									
2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-27 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 1-27 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § -119(a)-(d)-or-(f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received in Application No.  2. Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(e)  1) Notice of References Citad (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Informal Patent Application (PTO-152)  5) Notice of Informal Patent Application (PTO-152)	Status									
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Application/Control Number: 10/052,611

Art Unit: 1714

Do and Do are recited in lines 3 and 6, and clarification is needed.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The recited process and properties such as K and W are basically based on the final product,  $D_O$ , and applicant failed to describe the invention adequately in the specification. The recited K, W and  $D_O$  can be measured only after the completion of polymerization, however, the polymerization process requires choosing at least S and a certain amount of alkalipersulfate before the initiation. Thus, one cannot choose such S and a certain amount of alkalipersulfate in order to obtain said K and  $D_O$  without undue experimentation. Also, the K values recited in said table 1 cannot be obtained from the given  $D_O$  and KPS charged, and the unit for K is not taught. Besides, other reaction parameters such as temperature, pressure and duration would change the recited W and  $D_O$ . Even with choosing certain amounts of alkalipersulfate for W and S, there is no teaching how to control W and  $D_O$  and S.

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Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The recited invention is non-enabling as evidenced by the table 1. The K values recited in said table 1 cannot be obtained from the given  $D_0$  and KPS charged. Example 1 would yield 19.35 (129 nm x 0.15) not 5.8, for example.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recited formula is indefinite and confusing absent particular units for the recited with respect to the recited K, W, S and D<sub>0</sub> in view of the table 1. Are absolute values used? And then what value is used for D<sub>0</sub>, 85 for 85 nm or 0.085 for 0.085  $\mu$ m for example.

Claim 10 contains two period (.) and cancellation of the period (or replacement with a comma) after "(meth)acrylates" is needed.

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A meaningful search and examination is not possible due to above problems at this time, and rejections under the prior art, if there is any, would follow this in the next communication after applicant's response and would be the final rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tae H Yoon
Primary Examiner
Art Unit 1714